



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.R. SWAMINATHAN

CRL OP(MD). No.2816 of 2020

Karthikeyapandian

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar.
(Crime No.13/2019)

... Respondent/Complainant

For Petitioner : M/s.S.R.Anbarasu,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

for Bail in Crime No.13 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

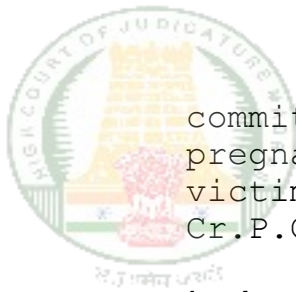
Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 27.11.2019 for the offences punishable under sections 5(i), 5(j)(ii), 5(n) r/w 6 of POCSO Act and Section 506(i) of I.P.C., in Crime No.13 of 2019 on the file of the respondent police. He seeks bail.

3. The petitioner's earlier bail petition was dismissed on 28.01.2020 by citing the following reasons:-

"3. The petitioner is aged about 37 years. He is said to be married twice. The victim in this case is none other than his niece, that is, sister's daughter. The

<https://hcservices.ecourts.gov.in/hcservices/> victim is aged about 16 years. As a result of the acts



committed by the petitioner herein, the victim became pregnant and she delivered a stillborn child. The victim's statement was also recorded under Section 164 of Cr.P.C."

4. There is no change in circumstance. I am not inclined to grant relief. Hence, this criminal original petition stands dismissed.

5. The learned Government Advocate (Crl.side) would state that DNA report is yet to be received from the Regional Director, Forensic Science Department, Madurai.

6. This Court want to know as to when the stillborn child was delivered by the victim and when the sample was collected from the accused and when requisition was submitted to the forensic lab for DNA report. The satisfactory answers are not forthcoming. It appears that there was a gross and unexplained delay in the matter of collecting the sample and sending it for DNA report. It appears that the respondent deliberately wants to avoid filing a final report within a stipulated time, so that, the accused can come out with default bail.

7. I had recorded my displeasure over the conduct of of the investigation. The Superintendent of Police, Virudhunagar, shall personally monitor the investigation in this regard.

sd/-
18/02/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VIRUDHUNAGAR.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, VIRUDHUNAGAR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SUPERINTENDENT OF POLICE, VIRUDHUNAGAR.

ORDER IN
CRL OP(MD) No.2816 of 2020
Date :18/02/2020

MS/PN/SAR-4/18.02.2020/2P.5C

<https://hcservices.ecourts.gov.in/hcservices/>